

MINUTES OF THE REGULAR CITY COUNCIL MEETING
TUESDAY- -DECEMBER 2, 2008- -7:30 P.M.

Mayor Johnson convened the Regular Meeting at 7:39 p.m. Vice Mayor Tam led the Pledge of Allegiance.

ROLL CALL - Present: Councilmembers deHaan, Gilmore,
Matarrese, Tam, and Mayor Johnson - 5.
Absent: None.

AGENDA CHANGES

None.

PROCLAMATIONS, SPECIAL ORDERS OF THE DAY AND ANNOUNCEMENTS

None.

CONSENT CALENDAR

Mayor Johnson announced that the recommendation to accept the Quarterly Sales Tax Report [paragraph no. 08-500]; the recommendation to accept the Special Tax [paragraph no. 08-501]; the recommendation to approve an Agreement [paragraph no. 08-502]; the recommendation to accept the annual review [paragraph no. 08-506]; and the recommendation to award a Contract [paragraph no. 08-504] were removed from the Consent Calendar for discussion.

Councilmember deHaan moved approval of the remainder of the Consent Calendar.

Vice Mayor Tam seconded the motion, which carried by unanimous voice vote - 5. [Items so enacted or adopted are indicated by an asterisk preceding the paragraph number.]

(*08-497) Minutes of the Special and Adjourned Regular City Council Meetings held on November 6, 2008. Approved.

(*08-498) Ratified bills in the amount of \$2,595,473.24.

(*08-499) Recommendation to accept the Quarterly Treasury Report for the period ending September 30, 2008. Accepted.

(08-500) Recommendation to accept the Quarterly Sales Tax Report for the period ending June 30, 2008.

Councilmember deHaan requested additional information on auto sale

losses.

The Interim Finance Director stated the Quarterly Sales Tax Report is starting to show a gradual decline in sales tax; the City budgeted \$4.8 million and received \$4.6 million for Fiscal Year 2007-2008 sales tax; the total sales tax loss is approximately \$680,000 for automobile sales services; staff will be doing a comprehensive Fiscal Year 2009-2010 budget review; policy choices will need to be made; \$5.1 million has been budgeted for sales tax for this Fiscal Year; projections are accurate.

The City Manager stated the loss of one dealership was budgeted this fiscal year.

Councilmember deHaan inquired whether there may be further impacts because of associated businesses; stated used car dealerships and repairs shops could close.

The Interim Finance Director stated staff would review the matter.

Councilmember deHaan stated sales tax increased by 140% for the Bridgeside Shopping Centre; Towne Centre is showing an increase; that he is concerned with the area south of Lincoln Avenue on Park Street; Webster Street is doing better; catalyst projects are anticipated for the south of Lincoln Avenue area; that he is surprised that sales tax increased by only \$5,100.

The Interim Finance Director stated an Off Agenda Report could be provided on the matter.

Mayor Johnson stated Park Street had a boom last year; the City is very fortunate to have redevelopment on Park Street, the Bridgeside Center and Webster Street; auto dealership losses are out of the City's control; that she appreciates the Harbor Bay Business Park, but the Business Park does not create a lot of revenue.

The Interim Finance Director stated a major Harbor Bay Business Park business did not report correctly; the business still has an outstanding amount that needs to be corrected.

Mayor Johnson stated people need to see that the Harbor Bay Business Park does not generate a lot of sales tax; the area is appreciated for job generation; inquired whether figures noted on Attachment 1 are for the unincorporated area of Alameda County.

The Interim Finance Director responded numbers represent all cities in Alameda County.

Mayor Johnson stated the average per capita sales tax for Alameda County is \$126; Alameda is still below the county average.

Councilmember Matarrese inquired whether the \$1.1 million assigned to Alameda by the State Board of Equalization skews the numbers.

The Interim Finance Director responded the amount is not reflected in the current losses; stated the City would start repayment in the second calendar year quarter of Fiscal Year 2010; eight quarters are the maximum allowed for repayments.

Councilmember Matarrese stated the mistake was not the City's.

The Interim Finance Director stated the State Board of Equalization will split the money if the City can provide proof that the firm existed in Alameda in 1999-2000.

Vice Mayor Tam stated sales tax transactions for the area south of Lincoln on Park Street do not capture the full affect of the theater opening; numbers should go up.

Mayor Johnson stated the City is doing pretty well; that she is impressed that the City is still holding ground and is ahead in some areas.

The Interim Finance Director stated sales tax has increased approximately two to three percent more than expected from July to December.

Mayor Johnson stated sales tax revenue would increase by \$4.2 million if the City were closer to the county spending average.

Councilmember deHaan stated that he does not want revenue gain to be at the expense of something else.

Councilmember deHaan moved approval of the staff recommendation.

Councilmember Matarrese seconded the motion, which carried by unanimous voice vote - 5.

(08-501) Recommendation to accept the Special Tax and Local Bond Measure Annual Report.

Vice Mayor Tam stated that Measure O Fiscal Year 2007-2008 bond revenues, including interest income, seem to be less than expenditures; inquired whether the issue would put the City in a

deficit mode moving forward for branch libraries improvements.

The Interim Finance Director responded in the negative; stated there is a positive fund balance in the debt service; the City does not want to over collect and is required to use interest earned; the fund has a positive fund balance of \$357,000, which is enough to offset any unearned interest to help pay the debt service.

Vice Mayor Tam stated that she is concerned that there may be less money for the branch libraries.

The Interim Finance Director stated that she would do some forecasting regarding available branch library improvement financing.

Councilmember Matarrese stated the City is obligated to make library branch improvements.

The Interim Finance Director stated that she would provide an Off Agenda report on the matter.

The City Manager stated bond proceeds are in a different fund.

The Interim Finance Director stated the report is for the debt service fund specifically and includes money collected on tax rolls to pay the principle and interest on the debt and any interest earned in addition to improvements.

Mayor Johnson inquired what is the next step for the strategic Library planning.

The Assistant City Manager responded the Architect contract would be coming to Council early next year.

Councilmember deHaan stated the Bayport Community Facility District generated \$474,000; expenditures are \$150,000; inquired what happens to the delta.

The Interim Finance Director responded a traditional Codified Community Facilities District debt has a variety of formulas; stated the City has elected to assess it on a flat line consistently; the fund has a significant balance of approximately \$500,000 to \$600,000; the balance would be drawn down once the project is built out; funds will be needed for infrastructure maintenance and services.

Councilmember deHaan inquired whether the funds are isolated for

the project, to which the Interim Finance Director responded in the affirmative.

Councilmember deHaan inquired what would happen if there were not enough funding.

The Interim Finance Director responded a public hearing would be needed to change the assessment.

Vice Mayor Tam moved approval of the staff recommendation.

Councilmember Matarrese seconded the motion, which carried by unanimous voice vote - 5.

(08-502) Recommendation to approve an Agreement with Ian Wolfe Ross Urban Design in the amount of \$98,254 to develop zoning regulations and design guidelines for the Park Street Commercial District and authorize the City Manager to approve a Contract amendment of up to ten percent, if needed, for unexpected contingencies.

Mayor Johnson requested the Ranger Pipelines Contract [paragraph no. 08-503] be addressed at the same time; stated contingencies need to be monitored; the City expects contractors to come in at or under the bid amount.

Councilmember deHaan inquired whether funding has been approved or is waiting Council approval.

The City Engineer responded the City is obligated to finish paying for the project; stated the City is not obligated for projects going out to bid; recently, contingency funds from other sewer projects were used for a sink hole at the intersection of Lincoln Avenue and Eighth Street; contingency uses can be tracked.

Robb Ratto, Park Street Business Association (PSBA), urged approval of the recommendation to approve an Agreement with Ian Wolfe Ross Urban Design; stated the Planning and Building Department noticed loopholes in the CC district; that he hopes the issue will be addressed along with the north of Lincoln Avenue zoning.

Vice Mayor Tam moved approval of the staff recommendations.

Councilmember Gilmore seconded the motion, which carried by unanimous voice vote - 5.

(08-503) Recommendation to award a Contract in the amount of \$315,210 including contingencies, to Ranger Pipelines for Alameda

Power & Telecom Webster Street Joint Trench Utility Relocation Project, No. P.W. 08-08-23.

Refer to the Ian Wolfe Contract [paragraph no. 08-502] for the discussion and motion.

(*08-504) Recommendation to accept Affordable Housing Ordinance Annual Review.

(08-505) Recommendation to accept the annual review of the Citywide Development Fee and the Fleet Industrial Supply Center/Catellus Traffic Fee.

Councilmember deHaan requested additional information on the matter.

The City Engineer stated the Citywide Development Fee was initiated in 2001; there are approximately 35 projects; the cost in 2001 was approximately \$99 million; a portion was to be funded by new development; the other portion was to be funded by existing development; staff is presenting what the fees are for new development; the Bay Area construction cost index is used; fees are increased every July along with the Master Fee Plan.

Councilmember deHaan inquired how much the fee increased from last year, to which the Development Services Director responded 1.7%.

Councilmember deHaan stated the concern is lack of new construction; inquired whether costs are going down.

The City Engineer responded costs are going down substantially; stated bids have been coming in much lower than estimated.

Councilmember deHaan moved approval of the staff recommendation.

Councilmember Matarrese seconded the motion, which carried by unanimous voice vote - 5.

(*08-506) Recommendation to accept the work of D&D Pipelines, Inc., for Woodstock storm drain improvements, No. P.W. 06-08-18. Accepted.

(*08-507) Recommendation to accept the work of Saurez & Munoz Construction, Inc., for Rittler Park irrigation and field renovation improvements, No. P.W. 11-07-34. Accepted.

(*08-508) Recommendation to accept the work of Redgwick

Construction, for Fernside Boulevard bike path and street improvements, San Jose Avenue to North of Otis Drive, No. P.W. 03-08-10. Accepted.

(*08-509) Recommendation to accept the work of Pacific Liners Pipeline Rehabilitation for the Citywide sewer mains and laterals video inspection, No. P.W. 10-06-21. Accepted.

(*08-510) Recommendation to accept the work of Schaaf & Wheeler Consulting Civil Engineers for Storm Drainage Study, No. P.W. 03-07-08. Accepted.

(*08-511) Recommendation to adopt the Proposition 1B Local Streets and Roads Funding Proposal for Fiscal Year 2008/2009, and authorize the City Manager to execute all necessary documents. Accepted.

(*08-512) Resolution No. 14288, "Reappointing T. David Edwards as Trustee of the Alameda County Mosquito Abatement District Board." Adopted.

(*08-513) Resolution No. 14289, "Declaring the Canvass of Returns and Results of the Consolidated General Municipal Election held on November 4, 2008, including Enacting Ordinance No. 2987 N.S., Amending Section 3-58 of Division 1 of Article II of Chapter III of the Alameda Municipal Code, the Real Property Transaction Tax." Adopted.

(*08-514) "Resolution No. 14290, "Granting Another Designated Period for Two Years Additional Service Credit as Provided for Under Contract Amendment Between the City and the Public Employees' Retirement System, and California Government Code Section 20903. Adopted.

CITY MANAGER COMMUNICATIONS

(*08-515) The City Manager provided an update on the sale of the AP&T telecom system.

Councilmember deHaan stated recording studio closures are not connected with the AP&T telecom sale.

Mayor Johnson stated recording studio closures are the result of a change in federal law.

The City Manager stated Comcast is closing down three of five studios and will no longer be in the production business for community groups.

Mayor Johnson stated public access channels still needs to be made available.

REGULAR AGENDA ITEMS

(08-516) Public Hearing to consider Ordinance No. 2988, "Extending the Moratorium on the Establishment or Expansion of Medical Marijuana Dispensaries Until June 30, 2010." Passed.

The Supervising Planner gave a brief presentation.

Councilmember Matarrese inquired how the proposed extension would affect the Planning and Building Department fund.

The Supervising Planner responded the matter would be put into the work program.

Councilmember Matarrese inquired whether something else would get bumped.

The Supervising Planner responded staff is considering its next work program; stated that she does not anticipate anything being bumped.

Councilmember Matarrese stated that he has a hard time believing that the budget will not be impacted.

Councilmember Gilmore stated adding the matter to the existing work program causes the extended timeline.

Councilmember Matarrese stated the issue needs to be watched.

Councilmember deHaan requested further information on the on-going hearing.

The Assistant City Attorney responded that she declines to comment other than to say that the hearing was held on November 18; stated the Hearing Officer will issue a decision.

Councilmember deHaan inquired whether staff could provide a description of the hearing.

Mayor Johnson responded the hearing was about revocation of the license.

The Assistant City Attorney stated that a letter was sent out in

order to show cause for a business license revocation hearing pursuant to the Municipal Code.

Mayor Johnson opened the public portion of the hearing.

Proponents (In favor of Ordinance: Dion Evans, Chosen Vessel Christian Church; Kathy Moehring, West Alameda Business Association, submitted handout; Robb Ratto, PSBA.

(Opponent (Not in favor of Ordinance: Scot Candell, Americans for Safe Access.

There being no further speakers, Mayor Johnson closed the public portion of the hearing.

Councilmember deHaan moved passage of Ordinance.

Councilmember Matarrese seconded the motion, which carried by unanimous voice vote - 5.

(08-517) Public Hearing to consider Introduction of an Ordinance Amending the Alameda Municipal Code by Adding Section 24-10 (Cost Recovery for False or Non-Emergency Response) to Chapter XXIV (Public Health). **Continued.**

Mayor Johnson stated the report was well done except there needs to be more clarity on what the City will charge for and associated fees; inquired what the cost would be for three firefighters and an apparatus for a half an hour.

The Fire Marshall responded \$210; stated the cost is \$420 per hour for a Captain, Apparatus Operator, and Firefighter.

Mayor Johnson inquired whether hourly rates are calculated on full costs.

The Fire Marshall responded in the affirmative; stated costs include full benefits.

Mayor Johnson stated that the numbers need to be checked; charges need to be provided as well as who is responsible for payment; language needs to be clarified; building owners need to be responsible for commercial building calls; the Fire Department should not respond to repeated calls at the Laundromat on Park Street.

The Fire Marshall stated language could be added.

Councilmember Matarrese stated dollar figures need to be added; inquired whether the Fire Department deals with chronic emergencies, to which the Fire Marshall responded infrequently.

Councilmember Matarrese stated a trigger point needs to be established for maintenance issues.

Mayor Johnson stated that people should not call the Fire Department for water heater issues.

The Fire Marshall stated a pilot light could be extinguished if a basement floods and would create a natural gas leak.

Mayor Johnson inquired whether the Fire Department would turn off the gas valve, to which the Fire Marshall responded in the affirmative.

Mayor Johnson inquired why the gas main would not be turned off.

The Fire Marshall responded service would be turned off to the entire building.

Councilmember deHaan stated the Fire Department provides emergency services; commercial businesses can take care of maintenance issues.

Mayor Johnson stated most taxpayers object to tax dollars being used to pump out basements or lock outs.

The Fire Marshall stated the Fire Department does not respond to non-emergency car lockouts.

Mayor Johnson inquired about house lockouts.

The Fire Marshall stated the Police Department would be called for identification purposes; people are advised to call a locksmith if there is not an emergency; the Fire Department would charge for the call.

Mayor Johnson stated that people need to know the dollar amount of the call.

Vice Mayor Tam inquired whether costs are recovered for fire inspection as noted in the Laundromat situation, and whether the matter could be dealt through violations; that she does not think that \$420 per hour is cheap.

The Fire Marshall stated the Fire Department makes sure that there is no lint accumulation when inspections are done at laundromats.

Vice Mayor Tam inquired whether inspections have full cost recovery, to which the Fire Marshall responded in the negative.

Vice Mayor Tam inquired how much full cost recovery would cost, to which the Fire Marshall responded that he would provide the information.

Mayor Johnson stated the minimum could be set at one hour instead of a half an hour; inquired how commercial elevator calls are handled.

The Fire Marshall responded many times the Fire Department responds to elevator calls and finds no one in the elevator.

Mayor Johnson stated building owners could be allowed one free call per year; other calls could be charged a one-hour minimum.

Councilmember deHaan stated the hourly rate seems low.

Mayor Johnson stated fees need to be high enough that people do not have the incentive to call the Fire Department.

Councilmember deHaan stated Council is trying to put together a realistic cost recovery fee.

The Fire Marshall stated that he would take Council's comments back and provide a revised report.

Robb Ratto, Park Street Business Association, urged Council to consider one free non-emergency call for commercial business owners.

Councilmember Matarrese stated the problem is not just cost recovery; the Fire Department needs to be used for emergencies only; times are tight.

Councilmember Matarrese moved approval of continuing the item and bringing the item back with suggested changes.

Councilmember deHaan seconded the motion, which carried by unanimous voice vote - 4. [Absent: Vice Mayor Tam - 1.

(08-518) Recommendation to accept the monitoring findings and

conclusions of the Monitoring Plan for the transportation operations at the Central Avenue and Oak Street intersection.

The Supervising Civil Engineer gave a presentation.

Mayor Johnson inquired whether parking permits are for day use only, to which the Supervising Civil Engineer responded in the affirmative.

Mayor Johnson inquired whether bike locker usage is being tracked, to which the Supervising Civil Engineer responded that he would provide said information.

Mayor Johnson stated the information would be useful to see how many people use the bike lockers; inquired how the bike oasis provides more parking.

The Supervising Civil Engineer responded the bike oasis does not provide more parking but just provides cover.

Mayor Johnson stated collisions have gone down in the area.

The Supervising Civil Engineer stated citations have increased approximately 20%.

Mayor Johnson stated that she worries that the proposed crosswalk might create a dangerous situation; crosswalks are a problem in the middle of the block on Park Street; pedestrians do not always press the light button; inquired whether it is possible to require pedestrians to use the light button.

The Supervising Civil Engineer responded making usage mandatory would be difficult; stated one approach would be to use a laser beam, which would automatically trigger the light.

Councilmember Gilmore stated that she is not thrilled about having a crosswalk mid block; drivers are not used to the concept of having a crosswalk mid block; inquired whether any thought has been given to ticketing jaywalkers.

The Supervising Civil Engineer responded that the Police Department has provided information and warnings, but no citations.

Councilmember Gilmore stated that she would prefer to go the citation route before spending money to put in a crosswalk; pedestrians would have expectations of being safe because of the crosswalk; the passenger loading zone is 33 feet; inquired how many

cars fit within 33 feet.

The Supervising Civil Engineer responded one car; stated four additional spaces would be available in front of Angela's.

Councilmember Gilmore inquired whether the bike oasis would have a bulb out.

The Supervising Civil Engineer responded in the affirmative; stated a 20 foot wide bulb out is proposed for pedestrian crossing and cars existing Lot C.

Mayor Johnson inquired whether the bulb out would not be needed if there were no crosswalk, to which the Supervising Civil Engineer responded in the affirmative.

Mayor Johnson stated putting bike parking under the marquee would not be a good idea; bike parking should be across the street.

Councilmember Matarrese inquired whether the collision analysis is reflective of the general safety of traffic flowing in or about the theater area; stated there was a huge increase in traffic at Central Avenue between Park Street and Oak Street from May to August; questioned whether there is a problem; stated the area was a dead zone in 2005 and 2006; that he does not see any reason to do anything other than the bulb out to protect the marquee; there is not enough convenient bike parking.

The Supervising Civil Engineer stated collision information is one piece of the puzzle; other information is being collected.

Councilmember Matarrese stated the area was much more dangerous with fewer people.

The Development Services Director stated the proposed bulb out is not just for traffic calming but is to provide additional capacity on the sidewalk.

Councilmember Matarrese stated the issue was mitigated by working with the operator.

The Development Services Director stated Angela's would be adding patio dining also.

Mayor Johnson stated that a bulb out is needed to protect the marquee; concurred with Councilmember Gilmore regarding the crosswalk.

Councilmember Gilmore inquired how many people were observed jaywalking.

The Police Chief responded specific data is not available.

Councilmember Gilmore inquired whether anyone has been ticketed for jaywalking in front of the theater.

The Police Lieutenant responded in the negative; stated data was not collected for tonight's report; information will be provided.

Councilmember Gilmore stated a crosswalk could always be added.

Vice Mayor Tam stated that she agrees with her colleagues; a lot of effort is being made to encourage people to use the garage; that she would like to tease out the citation summary on Table 5, recommendation #7; there seems to be a difference in perspective on whether the report was responsive to Council's direction on May 6; requested the City Clerk read the motion made by Councilmember Matarrese on May 6.

The City Clerk read the motion: "Councilmember Matarrese moved approval of the staff recommendation with the following direction; a report be brought back ninety days after the Theater opens; the Police Department is to provide enforcement and education; and that any mitigations brought back be reviewed by interested parties."

Vice Mayor Tam stated the Police Lieutenant mentioned that westbound traffic overtakes cars making a left turn onto Oak Street from Central Avenue by going into the bike lane, which would not be cited because it is not outside the norm of other intersections; of the twenty-five citations issued in the May through August period, none were associated with cars making said violation of the vehicle code.

The Police Lieutenant responded in the affirmative; stated patrol officers have been directed to provide additional enforcement at the intersection for any or all violations; he does not have data on how many people were stopped or how many were given a warning.

Councilmember Gilmore inquired whether none of the 25 citations issued from May through August were for overtaking another car, to which the Police Lieutenant responded in the affirmative.

Councilmember Gilmore inquired whether any of the citations were for jaywalking, to which the Police Lieutenant responded in the

negative; citations were issued for U-turns, turning left out of the garage onto Oak Street, running a red light; and seat belt violations.

Mayor Johnson inquired whether the 25 citations were issued in the block between Park Street and Oak Street on Central Avenue, to which the Police Lieutenant responded citations were issued in each direction from the intersection [on Central Avenue and Oak Street].

Vice Mayor Tam inquired whether the bulb out and bike oasis issues were vetted through interest groups such as Bike Alameda and Transportation Commission.

The Supervising Civil Engineer responded staff responded to Bike Alameda concerns; stated issues were presented to the Transportation Commission; Exhibit 1 outlines actions taken on the Monitoring Plan.

Vice Mayor Tam inquired whether the bulb outs and redesign were presented to the Transportation Commission.

The Supervising Civil Engineer responded in the affirmative; stated comments are noted on Page 2 of the staff report.

Councilmember deHaan stated that he has the same thoughts as Vice Mayor Tam; inquired about the Lot C exit.

The Supervising Civil Engineer responded in the affirmative; stated one exit would be for a left turn, and another exit would be for a right turn.

Councilmember deHaan stated Council has an overload of information; questioned whether the entire area is needed for drop offs.

The Supervising Civil Engineer responded all nine spaces are not needed; stated staff feels that the drop off zone could be reduced to four or five spaces.

Councilmember deHaan inquired what is the cost for embedded lights, to which the Supervising Civil Engineer responded \$70,000.

Mayor Johnson inquired whether the crosswalk idea is to address jaywalkers.

The Supervising Civil Engineer responded in the affirmative; stated another issue is bike parking.

Mayor Johnson stated the block is short.

Councilmember Gilmore stated having the bulb out on the theater side is important; the area gets very congested when blockbuster movies are featured.

Kyle Conner, Theater Operator, stated cueing has been adjusted; the bulb out is very important and should be done; the walkway should be pedestrian friendly.

Councilmember Gilmore inquired whether the Operator is okay with the passenger loading spaces.

The Operator responded in the affirmative; stated people have a tendency to stop or do a slow roll by to see what is playing.

Mayor Johnson opened the public portion of the meeting.

Speakers: Lucy Gigli, Bike Alameda; Robb Ratto, PSBA.

There being no further speakers, Mayor Johnson closed the public portion of the meeting.

Councilmember Gilmore inquired how Ms. Gigli feels about the bike oasis.

Ms. Gigli responded that she did not hear about the bike oasis until yesterday; stated that she is not in a position to evaluate the issue.

Councilmember deHaan inquired how many people are purchasing monthly parking permits, to which Mr. Ratto responded very few.

Councilmember deHaan stated people have to go to the top of the structure; permit users should not be limited to the top level during the week when the structure is not heavily used.

Mayor Johnson stated protecting the marquee is important.

The Supervising Civil Engineer stated the design ensures protection.

Councilmember deHaan inquired whether the sidewalk area for Angela's would be the same as others.

The Development Services Director responded the sidewalk area would be eight feet, which is the length of the restaurant.

The Operator stated the sidewalk area would be approximately two-thirds of the building.

Councilmember Matarrese stated that he appreciates all the work that has been done; the intention is to look at what is going on in the theater area; that he does not subscribe to needing a crosswalk; the public would be served better by enforcing jaywalking laws; that he opposes putting back any parking in the area; crowd control is the responsibility of the operator; safety is better than before; bike parking is needed and should be in Lot C; a canopy is not needed; people can use the parking structure for covered bike parking; that he likes the idea of a bulb out to protect the marquee.

Councilmember Matarrese moved approval of two bulb outs on theater side; installing bike racks at Lot C; not having a mid-street cross walk; continuing traffic enforcement; and improving signage.

Mayor Johnson inquired whether Council needs to address the traffic flow of Lot C tonight, to which the Supervising Civil Engineer responded in the negative.

Mayor Johnson inquired whether Council needs to address permit parking.

The City Manager responded permit parking would be the next step.

Mayor Johnson stated increasing the parking limit to eight hours could be included in the motion.

Vice Mayor Tam stated that she appreciates endorsing actions included in Exhibit 1; bicycle safety should be preserved; warnings and citations should be issued to people who violate the Vehicle Code by using bicycle lanes to pass a car that is waiting to make a left turn from Central Avenue onto Oak Street.

Councilmember Matarrese stated enforcement is not just for the theater area but is a general policy of the Police Department.

Councilmember deHaan stated the bulb out protecting the marquee is three feet out; the second bulb out is four and a half feet; bulb outs should be the same.

The Supervising Civil Engineer stated the designs are based on how trucks move out of the area.

Councilmember deHaan stated the bigger bulb out should be closer to the theater; the situation is unique; the bulb outs would protect the marquee and provide an extra area for cuing; that he would not like to set a precedent.

Mayor Johnson stated that she would like to have more areas to widen sidewalks; widening sidewalks is a benefit.

Councilmember deHaan stated three feet is a good limitation.

Mayor Johnson stated the design should accomplish the goal.

Councilmember Gilmore seconded the motion, which carried by unanimous voice vote - 5.

Councilmember Matarrese requested that staff provide information on bike locker usage; data on jaywalking citations; and possible funding sources for the northern elevation façade.

ORAL COMMUNICATIONS, NON-AGENDA

None.

COUNCIL REFERRALS

(08-519) Council discussion and direction regarding adoption of a policy regarding payment to employees for all accrued time.

Mayor Johnson stated Council needs to consider developing a policy regarding payment of accrued time; the matter is an unfunded liability issue.

Councilmember Gilmore inquired whether the matter is a Memorandum of Understanding (MOU) issue.

Mayor Johnson stated the accrual is an MOU issue, payment is not.

The Assistant City Attorney stated the issue would be subject to meet and confer.

Mayor Johnson requested a report on whether the matter is an MOU issue and policy suggestions from management.

The City Manager stated a report would be provided.

Mayor Johnson stated unfunded liabilities need to be researched and tracked.

Councilmember Matarrese suggested requesting the Fiscal Sustainability Committee to look at unfunded liabilities; stated the accrual issue should be used as an example.

Councilmember deHaan stated other companies require cashing out accrued time; that he thinks the matter is a meet and confer issue.

(08-520) Direction regarding adoption of budget policies.

The City Manager stated budget policies would be reiterated and expanded on at the January 6, 2009 City Council Meeting.

Mayor Johnson stated that a policy is needed to identify and implement payment for unfunded liabilities.

Councilmember Matarrese stated the source of the policy is needed; a policy is needed for flattening the organization and cutting farthest from the point of service delivery.

Councilmember deHaan stated the equivalent of full time employees needs to be discussed.

The Interim Finance Director stated each department's program would be broken down; a laundry list would be provided to Council.

Councilmember deHaan stated that he wants to see staffing costs.

The City Manager stated that revenue sources would be included.

Councilmember Matarrese stated the Planning and Building Department's revenue stream can only be used for its activities; if there are other revenue streams in the General Fund that can only be used for a certain activity, Council should discuss whether the streams should be in the General Fund or not; the public needs to have a clear picture of what is discretionary and what is directed.

Councilmember deHaan stated a lot of General Fund staffing has a revenue stream; the Fire Department supports the State for wild fires; that he hopes that the City gets reimbursed for overtime.

Mayor Johnson stated the City gets some reimbursement; inquired whether policies are compiled in one area.

The City Clerk responded the word "policies" has not always been used in the past; the General Fund balance policy has been captured; policies have been traced back to the mid 1990's.

Mayor Johnson stated policies should be categorized on the website.

The City Clerk stated that she has been working with the Information Technology Department on the matter.

(08-521) Discussion and direction regarding the proposed soft story ordinance and schedule for implementation.

The Building Official gave a Power Point presentation.

Councilmember deHaan inquired why Council is receiving a report since the item is a Council Referral.

The City Manager responded the item is for general review; stated a public session is scheduled for January; no decision is required.

Mayor Johnson stated the matter is a significant safety issue that needs to move forward.

Vice Mayor Tam inquired whether the Alameda Point hangers are considered soft story structures.

The Building Official responded in the negative; stated the hangers are steel structures.

Vice Mayor Tam stated that she does not think the hangers have enough sheer walls.

The Building Official stated part of the process is identifying and defining what a soft story building is for Alameda; the real hazard is to residential buildings.

Councilmember Matarrese stated that he would like to have information on what other cities have done and when, and how Alameda rates.

Councilmember deHaan inquired whether there has been outreach to realtors.

The Building Official responded the original outreach was a public workshop; stated additional outreach would be done with realtors before the next workshop.

Councilmember Gilmore suggested outreach to the Rental Property Owners Association.

The Building Official stated staff worked with the Apartment Owners Association, structural engineers, lenders, and insurers at the last workshop.

Mayor Johnson stated that she is surprised that insurance companies would insure soft story structures.

The Building Official stated insurance companies have not provided a clear answer.

Vice Mayor Tam inquired who attended the first workshop, to which the Building Official responded mostly apartment owners and real estate agents.

COUNCIL COMMUNICATIONS

(08-522) Consideration of Mayor's nominations for appointment to the Economic Development Commission.

Mayor Johnson nominated Horst Breuer and Justin Harrison.

(08-523) Vice Mayor Tam stated that she attended the League of California Cities Board Meeting in Orange County before Thanksgiving; the Board noted that there will not be any increase in dues; there was a good session on efforts to put together a Constitutional Convention to deal with the structural and political issues on the inability of a Governor or State legislature to get the kind of budget reforms necessary to adopt a budget; the League is trying to help local cities deal with redevelopment fund take-aways.

Mayor Johnson stated the Governor is calling a second emergency session; a fiscal emergency has been declared and opens up opportunities for the State to come after local government.

(08-524) Councilmember deHaan stated the Mastick Senior Center governing Board decided to close down Sunday activity; the closure is not part of previous budget discussions.

The City Manager stated Mastick Senior Center has experienced participant reduction on Sunday's since 2007; some of the programs have been moved to Saturday or Wednesday nights.

(08-525) Councilmember deHaan stated the City has some projects that are federally funded; the wish list should be pushed.

The Deputy City Manager stated the stimulus package form is

unknown; projects need to be ready to go in 120 days; the Public Works Department is gathering information on projects that would be ready to roll within the 120 day period; everyone is collecting lists to prove the case of needing money.

Councilmember deHaan stated there will be first, second, and third waves; staff cannot give up.

Councilmember Matarrese inquired whether the \$108 million price tag on the former Base could be put on the list.

The Assistant City Manager responded opportunities could include Alameda Landing.

Councilmember deHaan stated Alameda Point remediation projects have been designed and have not been funded in the past; the projects would generate jobs.

(08-526) Councilmember deHaan stated the theater projection union has not settled; that the matter could be placed on Council Referral.

ADJOURNMENT

There being no further business the meeting was adjourned at 11:18 p.m.

Respectfully submitted,

Lara Weisiger
City Clerk

The agenda for this meeting was posted in accordance with the Brown Act.

MINUTES OF THE SPECIAL JOINT OF THE CITY COUNCIL AND
ALAMEDA REUSE AND REDEVELOPMENT AUTHORITY (ARRA) MEETING
TUESDAY- -DECEMBER 2, 2008- -7:00 P.M.

Mayor/Chair Johnson convened the Special Joint Meeting at 7:12 p.m.

ROLL CALL - Present: Councilmembers/Board Members deHaan,
Gilmore, Matarrese, Tam, and Mayor/Chair
Johnson - 5.

Absent: None.

The Special Joint Meeting was adjourned to Closed Session to consider:

(08-496) Conference with Real Property Negotiators (54956.8);
Property: Alameda Point; Negotiating parties: City, ARRA and SunCal
Under negotiations: Price and terms.

Following the Closed Session, the Special Meeting was reconvened and Mayor/Chair Johnson announced that Council/Board Members were briefed on real property negotiation aspects; no action was taken.

Adjournment

There being no further business, Mayor/Chair Johnson adjourned the Special Joint Meeting at 7:27 p.m.

Respectfully submitted,

Lara Weisiger
City Clerk

The agenda for this meeting was posted in accordance with the Brown Act.